



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.4709 OF 2015

AND

M.P.NO.1 OF 2015

M.Nandhakumar

... Petitioner

.Vs.

1. The Special Tahsildar,
Land Acquisition,
Sriperambathur Extension Scheme - II,
SIPCOT PHASE - II,
Sriperumbudur,
Kanchipuram District.

2. Muniammal

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to pay the compensation as per the communication vide R.C.No.02/2013 dated 11.09.2013 made by the first respondent.

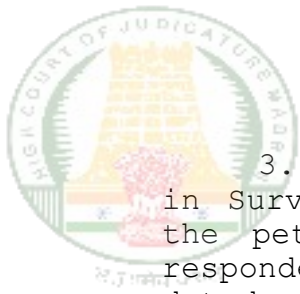
For Petitioner : Mr.M.C.Swamy
For M/s.Senthilswamy Asso.

For R1 : Mr.A.Selvendran
Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to pay the compensation as per the communication vide R.C.No.02/2013 dated 11.09.2013 made by the first respondent.

2. Heard, Mr.M.C.Swamy, learned counsel appearing for the petitioner and Mr.A.Selvendran, learned Government Advocate appearing for the first respondent.



3. The case of the petitioner is that the land comprised in Survey No.129/11 to an extent of 0.54.00 hectares owned by the petitioner and the same had been acquired by the first respondent vide G.O.Ms.No.85 Industrial (SIPCOT-LA) Department dated 17.04.2013. The petitioner participated in the land acquisition proceedings and he expressed his consent for acquisition of the subject land. He also sought for compensation in accordance with the prevailing market rate. The first respondent by the communication dated 11.09.2013 informed the petitioner that the compensation has been fixed for the land at Rs.18,50,000/- and he directed to produce the title deeds to get the compensation. However, the petitioner misplaced the title deed and lodged a complaint before the P-2 Otteri Police Station, Chennai on 28.09.2013 and the petitioner was issued non-traceable certificate. Thereafter, the petitioner met the officials to collect the compensation. However, the first respondent dragged the issue without disbursing any compensation.

4. In the mean while, the second respondent filed a partition suit in O.S.No.343 of 2012 from the land owned by the petitioner herein. Therefore, the first respondent refused to disburse the compensation for the reason that the second respondent's partition suit is pending. Even assuming that the second respondent has 1/3rd un-divided share over the property which was acquired by the first respondent. The second respondent is entitled to receive the compensation in respect of the 1/3rd un-divided share alone in the subject property.

5. In view of the above, the first respondent is directed to issue notice to the petitioner and the second respondent within a period of two weeks from the date of receipt of a copy of this order and conduct enquiry with regard to the partition suit in O.S.No.343 of 2012 and disburse the compensation. That apart, if the petitioner aggrieved over the award of compensation, the first respondent is directed to refer the award for enhancement of compensation before the appropriate Court.

6. With the above direction, the Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Lpp



To

The Special Tahsildar,
Land Acquisition,
Sriperambathur Extension Scheme - II,
SIPCOT PHASE - II,
Sriperumbudur,
Kanchipuram District.

+1cc to Mr.M.C.Swamy, Advocate, S.R.No.57816

W.P.NO.4709 OF 2015 AND
M.P.NO.1 OF 2015

PL(CO)
PBS/07/12/2021